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FOXHOLLOW TECHNOLOGIES, INC.,
7 JOHN B. SIMPSON, and
MATTHEW B. FERGUSON
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 In Re FOXHOLLOW TECHNOLOGIES, INC.
SECURITIES LITIGATION

Master File No. C-06-4595-PJH

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14 STIPULATION AND [PROPOSED]
ORDER RELATING AND
CONSOLIDATING CASES

15 [Pursuant to Civil L.R. 3-12(b), a
chambers copy of this motion is being
lodged in the case listed below]

16 Judge: Hon. Phyllis J. Hamilton

17
18 MARILYN VARNADO, individually and on
behalf of all those similarly situated,

19 Plaintiff,

20 v.

21
22 FOX TECHNOLOGIES, INC., JOHN B.
SIMPSON, MATTHEW B. FERGUSON,
23 DOES 1-100,

24 Defendants.

25 Case No. 07-705 MMC

1 WHEREAS, pursuant to Civil Local Rule 3-12, the parties seek to have the Court relate
2 the action entitled *Marilyn Varnado v. FoxHollow Technologies, Inc., et al.*, Case No. C 07-
3 00705 MMC (“Varnado Action”), currently pending before the Hon. Maxine M. Chesney in this
4 District, to the action pending before this Court entitled *In re FoxHollow Technologies, Inc.*
5 *Securities Litigation*, Master File No. C 06-4595-PJH (“Consolidated Action”); and

6 WHEREAS, the Varnado Action pending before Judge Chesney concerns “substantially
7 the same parties, property, transaction or event” as the Consolidated Action pending before this
8 Court pursuant to Civil L.R. 3-12(a); and

9 WHEREAS, there is a substantial risk of “an unduly burdensome duplication of labor and
10 expense or conflicting results if the cases are conducted before different judges” pursuant to
11 Civil L.R. 3-12(b);

12 WHEREAS, pursuant to the Stipulation and Order Consolidating Cases and Appointing
13 Lead Plaintiffs and Lead Counsel entered on October 26, 2006 in the Consolidated Action
14 (“Consolidation Order”), the parties seek to have the Court consolidate the Varnado Action
15 pending before Judge Chesney with the Consolidated Action pending before this Court;

16 WHEREAS, the Varnado Action pending before Judge Chesney “arises out of the subject
17 matter of” the Consolidated Action pending before this Court pursuant to Paragraph 3 of the
18 Consolidation Order;

19 WHEREAS, Defendants’ Motion to Dismiss Consolidated Complaint is currently
20 pending in the Consolidated Action and is set for hearing on June 27, 2007

21 WHEREAS, Defendants’ answer or other responsive pleading to the Complaint in the
22 Varnado Action is currently due no later than March 22, 2007;

23 IT IS THEREFORE STIPULATED THAT:

24 1. Pursuant to Civil L.R. 3-12, *Marilyn Varnado v. FoxHollow Technologies,*
25 *Inc., et al.*, Case No. C 07-00705 MMC, is related to the action entitled *In re*
26 *FoxHollow Technologies, Inc. Securities Litigation*, Master File No. C 06-
27 4595-PJH.

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2. Pursuant to Paragraph 3 of the Consolidation Order, *Marilyn Varnado v. FoxHollow Technologies, Inc., et al.*, Case No. C 07-00705 MMC, is consolidated for all purposes with *In re FoxHollow Technologies, Inc. Securities Litigation*, Master File No. C 06-4595-PJH.
3. All matters presently scheduled for hearing in *Marilyn Varnado v. FoxHollow Technologies, Inc., et al.*, Case No. C 07-00705 MMC are vacated and will be renoticed for hearing before this Court.
4. Defendants' Motion to Dismiss Consolidated Complaint, currently pending in *In re FoxHollow Technologies, Inc. Securities Litigation*, Master File No. C 06-4595-PJH and set for hearing on June 27, 2007, shall be deemed to be Defendants' response pursuant to Fed. R. Civ. P. 12 to the Complaint in *Marilyn Varnado v. FoxHollow Technologies, Inc., et al.*, Case No. C 07-00705 MMC.

Dated: March 16, 2007

KEKER & VAN NEST

By: /s/ Brook Dooley

BROOK DOOLEY
Attorneys for Defendants
FOXHOLLOW TECHNOLOGIES, INC.,
JOHN B. SIMPSON, and
MATTHEW B. FERGUSON

Dated: March 16, 2007

By: /s/ Reginald Terrell

REGINALD TERRELL
Attorneys for Plaintiff
MARILYN VARNADO

1 Dated: March 16, 2007

COTCHETT, PITRE, SIMON & McCARTHY

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By: /s/ Mark C. Molumphy

MARK C. MOLUMPHY
CO-LEAD COUNSEL FOR LEAD
PLAINTIFFS AND CLASS

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[PROPOSED] ORDER

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Pursuant to stipulation, IT IS SO ORDERED.

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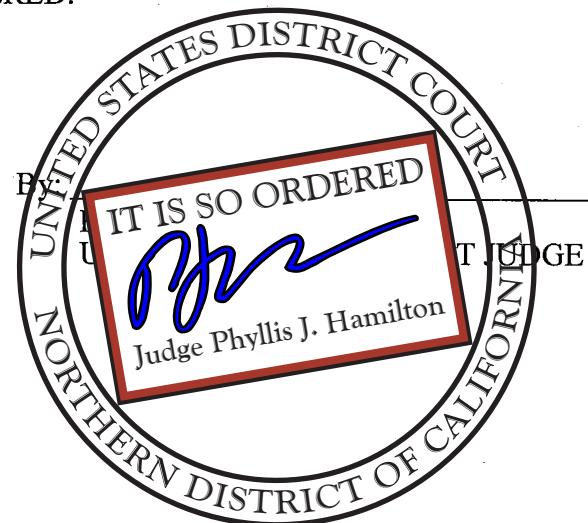
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PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Keker & Van Nest, LLP, 710 Sansome Street, San Francisco, California 94111.

On March 16, 2007, I served the following document(s):

Stipulation and [Proposed] Order Relating and Consolidating Cases

by **COURIER**, by placing a true and correct copy in a sealed envelope addressed as shown below, and dispatching a messenger with instructions to hand-carry the above and make delivery to the following during normal business hours, by leaving the package with the person whose name is shown or the person authorized to accept courier deliveries on behalf of the addressee.

Reginald Terrell
The Terrell Law Group
223 25th Street
Richmond, CA 94804

Donald Amamgbo
Amamgbo & Associates
7901 Oakport Street, Suite 4900
Oakland, CA 94621

Judith Blackwell
Blackwell & Blackwell
584 Valla Vista Avenue
Oakland, CA 94610

Executed on March 16, 2007, at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Robert W. Thomas

Robert W. Thomas